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DUKE W. YEE
YEE & ASSOCIATES, P.C.
P.O. BOX 802333
DALLAS TX 75380

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OFFICE OF PETITIONS

In re Application of :
Yabuta et al. :
Application No. 09/900,265 : DECISION ON PETITION
Filed: July 6, 2001 :
Attorney Docket No. JP920000193US1 :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed July 24, 2008, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner pursuant to 37 CFR 41.50(a)(2) to the Supplemental Examiner's Answer mailed, May 22, 2008, which set a shortened statutory period for reply of two (2) months. No extensions of time under the provisions of 37 CFR 1.136(b) were permitted. Accordingly, the application became abandoned on July 23, 2008.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of a request that prosecution be reopened before the examiner with a reply under 37 CFR 1.111, (2) the petition fee of \$1540.00; and (3) an adequate statement of unintentional delay.

Also, it is not apparent whether the person signing the statement of unintentional delay was in a position to have firsthand or direct knowledge of the facts and circumstances of the delay at issue. There is no indication that the person signing the petition was ever given a power of attorney to prosecute the application. Nevertheless, such statement is being treated as having been made as the result of a reasonable inquiry into the facts and circumstances of such delay. See 37 CFR 10.18(b) and Changes to Patent Practice and Procedure; Final Rule Notice, 62 Fed. Reg. 53131, 53178 (October 10, 1997), 1203 Off. Gaz. Pat. Office 63, 103 (October 21, 1997). In the event that such an inquiry has not been made, petitioner must make such an inquiry. If such inquiry results in the discovery that it is not correct that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional, petitioner must notify the Office.

Telephone inquiries concerning this decision should be directed to Christopher Bottorff at (571) 272-6692.

This application is being referred to Technology Center AU 3625 for appropriate action by the Examiner on the reply received July 24, 2008.



Christopher Bottorff
Petitions Examiner
Office of Petitions